

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALFONSO PERCY PEW,)	1:16cv176
)	Electronic Filing
Plaintiff,)	
)	Judge David Stewart Cercone
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
JOHN E. WETZEL, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff, Alfonso Percy Pew (“Plaintiff”), initiated this action on July 11, 2016, with the filing of a civil rights complaint. (ECF No. 1.) His motion for leave to proceed *in forma pauperis* (“IFP”) was filed on August 12, 2016. (ECF No. 3.) On August 16, 2016, the case was assigned to United States Magistrate Judge Lisa Pupo Lenihan for review in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

On August 17, 2016, the Magistrate Judge issued a Report and Recommendation wherein she recommended Plaintiff’s IFP motion be denied in accordance with 28 U.S.C. § 1915(g). (ECF No. 4.) The Magistrate Judge determined that Plaintiff had incurred three or more “strikes,” and, therefore, pursuant to the dictates of 28 U.S.C. § 1915(g), he cannot proceed *in forma papueris*. She also determined that Plaintiff had not met the threshold showing of imminent danger of serious physical injury in order to avail himself of the “imminent danger” exception to § 1915(g). It was therefore recommended that this action be dismissed without prejudice and reopened when Plaintiff paid the full \$400.00 filing fee. *Id.* Plaintiff was informed that he had until September 6, 2016 to file objections to the Report and

Recommendation, but, as of today, no objections have been filed. Therefore, upon an independent review of the record and consideration of the Magistrate Judge's Report and Recommendation, the following Order is entered.

AND NOW, this 22nd day of September, 2016,

IT IS HEREBY ORDERED that Plaintiff's IFP motion (ECF No. 3) is hereby denied in accordance with 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that this case is dismissed without prejudice to Plaintiff's right to reopen it by paying the full \$400.00 filing fee.

IT IS FURTHER ORDERED that the Magistrate Judge's Report and Recommendation (ECF No. 4) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ DAVID STEWART CERONE
David Stewart Cercone
United States District Judge

cc: Alfonso Percy Pew
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(Via First Class Mail)